

October 16, 2003

Marlene Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: FCC Docket Number MB 03-206

Dear Ms. Dortch;

The American Distance Education Consortium (ADEC) desires to comment on the Daystar Television Network Request for Section 403 Inquiry and Declaratory Ruling.

ADEC is an international consortium of land grant colleges and universities providing economic distance education programs and services via the latest and most appropriate information technologies. Many of the ADEC member institutions produce and distribute educational and informational television programming of high and in many cases award winning quality.

The consortium has made numerous applications for carriage of its member's distance education programming on the educational and informational set-aside channels held by EchoStar. Thus far, ADEC has been denied access to any of EchoStar's set-aside channels.

ADEC is most willing to compete with other qualified non-commercial educational and informational program providers for the limited channels that are available as long as that competition is based upon a level playing field. ADEC and its members are not able to fairly compete with an organization such as the Daystar Television Network that has negotiated carriage on the set-aside channels by offering enormous financial benefits to EchoStar in exchange for carriage. Further, it is clear that any DBS provider is prohibited from negotiating compensation for carriage in excess of the limits established by the Report and Order, FCC 98-307.

Congress and the FCC have recognized the importance to the American public of the educational and informational set-aside requirements. It is critical that the integrity of that program is preserved.

Sincerely,

Janet K. Poley, CEO/President
ADEC

Cc: ADEC Board of Directors